



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1652

In re

Patent Application of

Leslie A. Holladay

Application No. 10/016,403

Confirmation No.: 4840

Filed: December 10, 2001

Examiner: Steadman, David J.

"MODIFICATION OF POLYPEPTIDE
DRUGS TO INCREASE
ELECTROTRANSPORT FLUX"

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to 3rd Restriction Requirement, Request for 3-month Extension of Time, and Check No. 52232 in the amount of \$1,020.00 for extension fees, in the above-identified application.

The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
	TOTAL CLAIMS	7	MINUS	20	0	X \$50	0.00
	INDEP. CLAIMS	0	MINUS	3	0	X \$200	0.00
				TOTAL ADDITIONAL FEE FOR THIS AMENDMENT ----□		0.00	

No additional fee is required.

In the event Applicant has overlooked the need to request an extension of time, please consider this a request for the same.

Charge or credit Deposit Account No. 50-0842 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

I, Leslie Rector, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature Leslie Rector

Date of Signature January 27, 2005

Respectfully submitted,

Grady J. Frenchick
Grady J. Frenchick
Reg. No. 29,018

File No. 011293-9028-03
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501
Q:\client\011293\9028\B0484588.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1652

In re

Patent Application of

Leslie A. Holladay

Application No. 10/016,403

Confirmation No. 4840

Filed: December 10, 2001

Examiner: Steadman, David J.

“MODIFICATION OF POLYPEPTIDE DRUGS
TO INCREASE ELECTROTRANSPORT FLUX”

I, Leslie Rector, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Leslie Rector
Signature

January 27, 2005
Date of Signature

RESPONSE TO 3rd RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the restriction requirement mailed September 27, 2004. Transmitted herewith, please find a petition and fee for a three-month extension of time, extending the due date for response to the Office Action from October 27, 2004 to January 27, 2005. Applicant submits, therefore, that this response is timely filed.

The Examiner has required restriction to one of three groups:

Group I, claims 2, 4 and 17-21, drawn to a method for delivering a pharmaceutical polypeptide agent by providing a synthetic analog of human granulocyte colony stimulating factor, classified in class 514, subclass 2.

Group II, claims 2, 4, 17-18, and 22-24, drawn to a method for delivering a pharmaceutical polypeptide agent by providing a synthetic analog of human parathyroid hormone, classified in class 514, subclass 2.

Group III claims 2, 4, 17-18, and 25-27, drawn to a method for delivering a pharmaceutical polypeptide agent by providing a synthetic analog of human growth releasing hormone, classified in class 514, subclass 2.

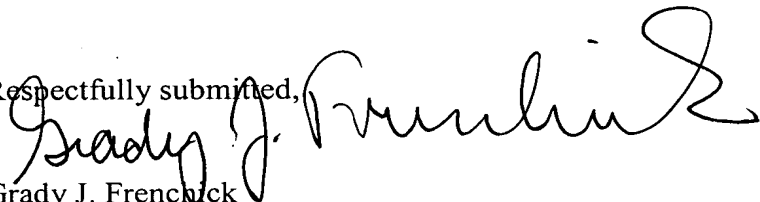
Claims 5-16 have been withdrawn.

Applicant elects, with traverse, the claims of Group III (2, 4, 17-18, and 25-27), while maintaining his position on the efficacy and appropriateness of examining all of the claims in this application. More specifically the arguments and analysis indicating this restriction requirement is improper are set forth in our paper mailed March 24, 2004, styled Response to Restriction Requirement, and are incorporated by reference herein. Applicant specifically reserves the right to pursue withdrawn claims of the instant application, in continuing application(s).

Provisional double-patenting rejection

The Examiner notes at page 3 of the 09/27/2004 Office Action that a provisional obviousness/double-patenting rejection over U.S. 08/466,610 was proposed. Applicant respectfully declines the invitation to file a terminal disclaimer at this time. It is noted that a further non-final Office Action is planned in response to the election/restriction requirement made above. Applicant will consider at that time the appropriateness of a terminal disclaimer in view of the status of 08/466,610 at that time.

Respectfully submitted,


Grady J. French
Reg. No. 29,108

Docket No.: 011293-9028-03
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
(608) 257-3501
Q:\client\011293\9028\B0465686.1